

**FACSIMILE TRANSMISSION**

Date: May 30, 2006

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To: United States Patent & Trademark Office
Deposit Account

From: Jeramie J. Keys

Total Number of Pages (including this page): 1

RE: U.S. Patent Application Serial No. 09/965,398
Our File No. 20009.0077US01 (BS01-231)

A Notice of Appeal, Preappeal Brief Request and PTO Form 2038 - Credit Card - \$950.00 (Notice of Appeal, and Request for 2-mth Extension of Time) was filed on April 20, 2006. Upon checking our balance of our Deposit Account (503025) we noticed an incorrect charge of \$570.00 for the above-referenced case.

The Notice of Appeal was filed in response to a final Office Action mailed on October 27, 2005, as well as an Advisory Action mailed on February 24, 2006. The period for response had been extended by the filed Petition.

It should be noted that the Advisory Action incorrectly stated that the after final response was filed on January 3, 2006. Because the certificate of mailing procedure was used, the filing date of that response was the mailing date of December 27, 2004 rather than the date upon which the response was received by the Office. Accordingly, the period of time for extensions runs from the mailing date of the Advisory action, such that only a 2 month extension was necessary.

However the PTO charged our deposit account in the amount of \$570.00 for the additional extension of time fees. Our account should not have been charged. The response was timely filed.

Further to above, please credit our deposit account for \$570.00. If you have any questions, please do not hesitate to give me a call at (678-565-4748)

Thank you,
Jeramie J. Keys**ATTORNEY CLIENT PRIVILEGED DOCUMENT**

NOTICE: IF YOU ARE NOT THE INTENDED RECIPIENT OF THE PRESENT FACSIMILE, PLEASE CALL WITHERS & KEYS AT 678-565-4748, AND DESTROY THIS FACSIMILE.

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